

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 74913

Charles Miller
Barbara Miller

313 German Hill Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on September 1, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310 (a), failure to cease storage of any garbage, rubbish or trash and section 13-4-201 (d), failure to store all garbage in approved rodent resistant watertight containers with tight fitting lids on residential property known as 313 German Hill Road, 21222.

On August 2, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Daniel O'Neill issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The following persons appeared for the Hearing and testified: Charles and Barbara Miller, Respondents and, Daniel O'Neill, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. That a Correction Notice was issued on June 28, 2010 for removal of trash, junk and debris which had been in place on the property since at least April 13, 2010 when the property was first inspected by Mr. O'Neill.

B. That the Respondents stated that they own the property and reside there with five (5) other persons, members of their family, two of whom are employed part-time.

C. That Mr. Miller advised that he has a health condition which precludes him from undertaking strenuous activities but that he is working with his son to slowly remove the debris on the premises.

D. That the Respondents advised the Hearing Officer that they can remove the illegal debris on their premises by the end of September, 2010.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$800.00 (eight hundred dollars).

IT IS FURTHER ORDERED that the entire civil penalty shall be reduced to zero if by September 30, 2010 the property is free of all trash, junk and debris.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 2nd day of September 2010

Signed: ORIGINAL SIGNED
Donald E. Brand
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.